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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,936	08/30/2002	Peter Miskech	201-1582 RLC	3622

28804 7590 01/27/2003

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EXAMINER

GUTMAN, HILARY L

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 01/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/064,936

Applicant(s)

Miskech et al.

Examiner

Hilary Gutman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 2, and 5-12 is/are allowed.
- 6) ☒ Claim(s) 3, 4, and 13 is/are rejected.
- 7) ☒ Claim(s) 14-20 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Aug 30, 2002 is/are a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 6) ☐ Other:

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DETAILED ACTION

Oath/Declaration

➔ 1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

ⓧ ➔ The oath or declaration is defective because: the photocopy is cut off along the right hand edge and the names and dates of the inventors is unclear in that the names are poorly photocopied and the dates are cut off.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, following features must be shown or the feature(s) canceled from the claim(s):

the end cap member (122) coupled to the opposed side surface (106) of claim 3,

✓ the "vehicular frame member" of claim 8,

✓ the "~~portion~~" of a vehicle of claim 13,

✓ the "coupling" of the "bracket" and the "portion" of claim 14,

✓ the "coupling" of the "Z-shaped bracket to a second portion" of the vehicle of claim 18,

and the first rail being "~~movably~~" coupled to the bracket of claim 20.

No new matter should be entered.

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A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities:

✓ On page 6, line 10, "vehicular bed 10" should be "vehicular bed assembly 10". Also on line 22, "panel 18" should be "pan 18".

✓ On page 7, [0023], line 3, "a floor pan 18" should be "the floor pan 18" and "front wall 20 mounting portion 186" should be "a mounting portion 186 for the front wall 20".

✓ On page 8, line 13, "assembly" should be inserted after "bed" (both occurrences).

Appropriate correction is required.

✓ 4. The abstract of the disclosure is objected to because: on line 1, "having" should be "has".

Correction is required. See MPEP § 608.01(b).

Claim Objections

5. Claims 1 and 3 are objected to because of the following informalities:

✓ In claim 1, on line 3, "panel" should be "panels".

✓ In claim 3, line 4, "said two generally flat and opposed side surfaces" should be "said two generally opposed side surfaces" for clarity. Appropriate correction is required.

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Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 3-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

✓ Claim 3 recites the limitation "said two generally flat...surfaces" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claim ~~13~~ is rejected under 35 U.S.C. 102(b) as being anticipated by Scott.

Scott inherently discloses a method for constructing a vehicle bed assembly comprising the steps of: providing a floor pan 18, front panel 24, first side panel 20, second side panel 22, and tailgate, generally 17, coupling the front panel to the floor pan, the first side panel to the floor pan, the second side panel to the floor pan, and indirectly coupling the tailgate to the floor pan, and producing a direct load path from any location on the first side panel to a portion of a vehicle;

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and providing a direct load path from any location on the second side panel to the portion of the vehicle, thereby forming the vehicle bed assembly.

Allowable Subject Matter

✓ 10. Claims 1-2, 5-12 are allowed.

11. Claims 14-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

✓ 12. Claims 3-4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references show other vehicle bed assemblies similar to that of the current invention.

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14. Any inquiry concerning this communication from the examiner should be directed to Hilary L. Gutman whose telephone number is (703) 305-0496.

15. **Any response to this action should be mailed to:**

Assistant Commissioner for Patents

Washington, D.C. 20231

or faxed to:


(703) 305-3597, (for formal communications intended for entry)

or:

(703) 305-0285, (for informal or draft communications, please clearly label "PROPOSED" or "DRAFT").

hlg

January 22, 2003


D. GLENN DAYOAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600
1/23/03